

Application No. 16276 of the George Washington University, pursuant to 11 DCMR 3108.1 for a special exception under Section 210 for further processing under an approved campus plan for construction of a Health and Wellness Center in an R-5-D District at premises 2301 G Street, N.W. (Square 42, Lot 847).

HEARING DATES: October 1 and 15, 1997; and
 December 3 and 17, 1997

DECISION DATE: January 7, 1998

ORDER

PRELIMINARY MATTERS:

On November 25, 1997, the ANC 2A filed a Motion to Strike additional evidence filed by Applicant and to reject previous expert testimony. On November 29, 1997, the Columbia Park Tenants Association filed a Motion to Strike all revised expert testimony submitted by Applicant after the close of the record on November 10, 1997. The Board denied both Motions on December 3, 1997.

SUMMARY OF EVIDENCE:

1. This is the second application brought by the applicant seeking special exception approval to authorize the construction and use of a new Health and Wellness Center. The first application was brought in 1994 and was denied by the Board on November 2, 1994. As a consequence, applicant revised its plans and submitted a new application for the Board's approval.

2. The property that is the subject of this application is located at 700 23rd Street, N.W., on the northwest corner of the intersection of 23rd and G streets, N.W.. It is located within the George Washington University campus boundaries on Lot 947 in Square 42.

3. The site comprises 27,022 square feet of land area and is improved with a surface parking lot. It is irregularly shaped (L-shaped) with an approximately 160-foot long frontage on 23rd Street and a 232-foot long frontage along G Street. A 30-foot wide north-south alley abuts a portion of the site to the west (rear). A two-story parking garage and eight surface parking spaces are located immediately to the north of the site. Farther

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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north within Square 42 are located a 15-foot wide east-west public alley and Saint Mary's Church. Other improvements within Square 42 include St. Mary's Court housing for the elderly, a nine-story building, another parking lot (which is also the site of a proposed student residence facility) and three row houses, two of which are owned by the University.

4. The site is located along the western edge of the campus in an area designated in the campus plan for "Support with Residential". Across G Street to the south of the site (outside of the campus boundary) are located a nine-story structure and several privately owned rowhouses that are used principally for residential purposes. Immediately across 23rd Street to the east is Fonger Hall, a seven-story classroom building. The Tompkins Engineering Building is also located across the street from the site. Diagonally across 23rd Street to the southeast of the site is the Smith Center, the intercollegiate sports facility for the campus.

5. The site is located in an R-5-D District which permits matter-of-right general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 3.5, and a maximum lot occupancy of 75 percent. Relative to this application, a college or university that is an academic institution of higher learning, including athletic and other recreational facilities proposed to be located on the campus of a college or university, is permitted in an R-5-D District if approved by the Board of Zoning Adjustment.

6. The applicant is proposing to construct a four-story building with four underground levels, three of which would be used for parking. The proposed building would rise to a height of 80 feet off G Street. It would have a floor area ratio (FAR) of 2.63. The main entrance to the building would be along G Street. In addition there would be a pedestrian entrance from Lot 823, which the applicant has agreed to purchase from Saint Mary's Church. Lot 823 would be developed as an open space garden plaza. The plaza would consist of 6 surface parking spaces along the western boundary of the property. In addition, there would be a landscaped plaza and sitting area. The proposed landscaped plaza would increase the distance between the proposed center and the church to a total of 70 feet. Three levels of underground parking would be provided for the facility with an access ramp from G Street, NW. The garage would accommodate 140 to 145 attendant parking spaces, replacing the existing 105 space surface parking lot (76 self park and 29 stacked spaces). The proposed 6 surface parking spaces to be located on the plaza area, would be exclusively for the use of Saint Mary's Church. The building's three service delivery spaces would be provided in the garage.

7. The applicant stated that the primary purpose of the proposed Health and Wellness Center ("Center") is to serve the

recreational and fitness needs of the university population by increasing opportunities to engage in independent recreational activities and to expand formal recreational sports programming. Intercollegiate athletics will not be a part of programming, and space will not be used for any spectator events. No health care facilities or medical treatment regimens will be provided. The Center will provide a holistic approach to health and wellness with a wide array of "self-help" and trainer based programs and activities. During the school year, there will be opportunities for certain initiatives at no cost (low impact aerobics, exercise classes and wellness-related activities) for immediate neighbors of the University community on a "space as available" basis. Special memberships on a limited basis will be available to immediate neighbors on the Square. During the summer months, a summer membership program would be provided. Applicant contends the Center is to be a full fitness community resource.

8. The Center proposes to be open between the hours of 7:00 a.m. to 1:00 a.m. Monday through Friday; 11:00 a.m. through 8:00 p.m. Saturdays; and 1:00 p.m. to 11:00 p.m. Sundays. The peak hours of use for the Center are expected to be in the evening, with an average of 1,828 visits per day. The maximum number of visitors that may fill all of the spaces within the building simultaneously will be 457; of these 457, no more than 150 would be guests, i.e. defined as other than students, faculty and staff.

9. The applicant contends that the granting of this application would not adversely affect the present character of the surrounding area, nor will the intended use affect the future development of the surrounding area. The applicant also presented evidence and expert testimony to support its contention that the approval of this application will not have an adverse impact on neighboring property because of traffic, especially since most of the users will come from the existing campus population.

10. The D.C. Office of Planning (OP) offered evidence and testimony to support its recommendation that the special exception be granted, as it found that Center would be consistent with the approved campus plan; that the facility would not result in an increase in the number of students, faculty or staff; with the proposed project, the bulk and height of buildings on the campus would not exceed that which is permitted in the approved campus plan; and that the use and operation of the proposed facility would not impair the intent, purpose, and integrity of the zoning regulations for the R-5-D district.

11. The Advisory Neighborhood Commission 2A by resolution dated September 17, 1997 and by testimony at the public hearing, opposed the application. The ANC noted the following issues and concerns:

- a. The Board should not consider the application until the alley closings upon which the application is based are

approved. The Board cannot approve a special exception contingent on closing of the alleys.

b. The program is incomplete in that it does not describe in sufficient detail the program to be conducted in the structure to which the ANC can meaningfully respond.

c. The proposed uses violate the approved campus plan.

d. The location of the means of approach and egress from the building, both vehicular and pedestrian, which are now proposed to be on G Street are not compatible with the adjacent neighborhood because they will spill the users of the proposed center onto residential streets outside the campus plan area, rather than within the campus. This, in turn will create an unreasonable noise burden on campus.

e. The occupancy limits will create traffic congestion that is an unreasonable burden on the neighborhood outside of the campus plan area.

f. There is no reason to waive the requirements for loading berths and loading platforms as required by Zoning Regulations and the failure to provide such facilities will further burden the surrounding area.

g. Construction of the facility will cause the University to exceed the student population maximum set forth in the campus plan.

h. The proposed structure will not be opened until the last year of the currently approved campus plan and may, if delayed in any way, not be opened until after the approval of the existing plan expires.

12. The Board received hundreds of letters of support from neighbors, residents, students, and organizations. The letters and the testimony stated that the application should be granted as the proposed use would be of great benefit to the community and is in compliance with the regulations.

13. Those in opposition to the application sent letters and testimony to the effect that the applicant does not meet any of the criteria for the relief granted, that the proposed relief would adversely affect the community by increasing noise, and traffic, and proposing instead that a more appropriate use for the site would be for student residential housing.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The campus plan clearly anticipates an athletic facility

within its periphery such as the Health and Wellness Center that is proposed.

2. The anticipated use is not a major use. High usage buildings are specifically listed in the campus plan and this building is not one of them.

3. Students, faculty members, and staff of the Foggy Bottom campus of the university will not create a traffic impact in their use of the facility.

4. Offering use of the facility to anyone who is not a student, faculty member, or staff person from the Foggy Bottom campus, such as alumni, neighbors, and those from other campuses will create an adverse traffic impact.

5. The purpose of the facility is not to provide athletic uses for neighbors, alumni, or anyone who is not a student faculty or staff person from the Foggy Bottom campus.

6. There is no spectator space in the design of the facility, nor is the use of the facility intended for spectator events.

CONCLUSIONS OF LAW:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception under an approved campus plan for construction of a Health and Wellness center in an R-5-D District. The granting of such special exception relief requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

The Board concludes that it has accorded the views of ANC 2A the "great weight" to which they are entitled and the Board is of the opinion that the issues raised by the ANC and members of the community will be adequately addressed in the conditions to this order.

Finally, the Board concludes that the applicant has met the burden of proof. The Board concludes that the proposed Center would be in harmony with the general purpose and intent of the zone plan and would not adversely affect the use of neighboring property.

Based on the foregoing, the Board **ORDERS** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Use of the facility shall be limited to the students,

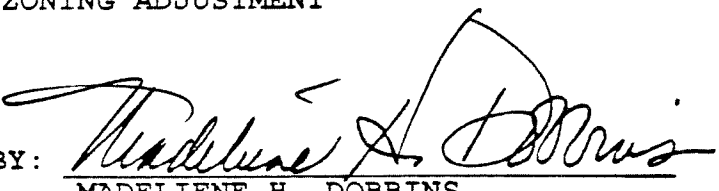
faculty and staff of the Foggy Bottom campus only.

2. Operation of the facility shall end at 10:00 p.m., Monday through Saturday and at 8:00 p.m. on Sundays.

VOTE: 4-0 (Susan Morgan Hinton, Betty King, and Sheila Cross Reid; and Betty King to grant; Laura M. Richards to grant by absentee vote).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER:

MAR 31 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16276/AZ

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16276

As Director of the Board of Zoning Adjustment, I certify and attest that on MAR 3 | 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

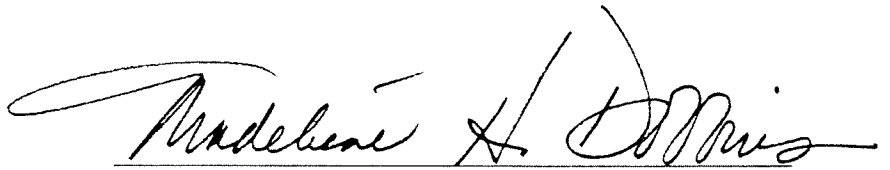
Jerry A. Moore, III, Esq.
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Bernard Mozer, Chairman
Advisory Neighborhood Commission 2A
c/o Saint Mary's Court
725 24th Street, N.W.
Washington, D.C. 20037

Dorothy Miller
Columbia Plaza Tenants Association
2440 Virginia Avenue, N.W.
Washington, D.C. 20037

Eleanor Becker, President
The Foggy Bottom Citizens Association
c/o The West End Library
24th and L Streets. NW
Washington, D.C. 20037


MADELIENE H. DOBBINS
Director

DATE: MAR 3 | 1998

BZA

CASE No. 16276

EXHIBIT No. 86

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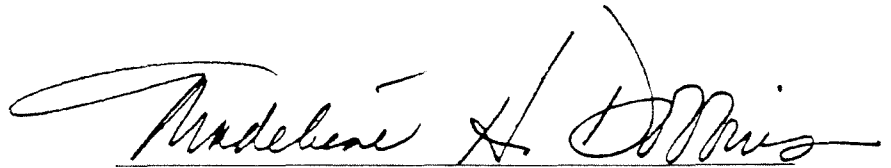
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